



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/965,146

09/27/2001

William M. Houston

END920010069US1

6257

5409

7590

03/29/2004

ARLEN L. OLSEN
SCHMEISER, OLSEN & WATTS
3 LEAR JET LANE
SUITE 201
LATHAM, NY 12110

EXAMINER

LEROUX, ETIENNE PIERRE

ART UNIT

PAPER NUMBER

2171

DATE MAILED: 03/29/2004

5

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/965,146

Applicant(s)

HOUSTON ET AL.

Examiner

Etienne P LeRoux

Art Unit

2171

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 January 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 September 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3, 5-9, 12-14, 16-20 and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by US Pat No 6, 000,000 issued to Hawkins et al (hereafter Hawkins).

Claims 1 and 23:

Hawkins '000 discloses a method for updating a database structure, comprising:

- generating a dynamically changing list of control documents [sync registry item 430 per Fig 4 and col 5, line 54 through col 6, line 3]
- processing by a first agent [conduit library A item 421 per Fig 4 and col 5, lines 48-62] a first approved control document on the list,
- wherein processing the first approved control document includes causing executing at least one task on the first approved control document [conduit library A item 421 per Fig 4 and col 5, lines 48-62]
- wherein executing a task on the first approved control document includes updating the database structure [synchronization per col 6, lines 6-15].

Claims 3 and 14:

Hawkins discloses wherein executing a first task on the first approved control document includes executing the first task by the first agent [conduit library A item 421 per Fig 4 and col 5, lines 48-62].

Claims 5 and 16:

Hawkins discloses wherein executing a first task on the first approved control document includes indirectly calling a second agent by the first agent and executing the first task by the second agent [col 5, lines 9-11].

Claims 6 and 17:

Hawkins discloses further comprising processing by a second agent a second approved control document on the list, wherein processing the second approved control document includes causing executing at least one task on the second approved control document, and wherein executing a task on the second approved control document includes updating the database structure [col 3, lines 10-15].

Claims 7 and 18:

Hawkins discloses wherein executing a first task on the first approved control document includes updating a plurality of databases of the database structure [Fig 4, items 441-443].

Claims 8 and 19:

Hawkins discloses wherein executing a first task on the first approved control document includes updating a first database of the database structure, and wherein executing a second task on the first approved control document includes updating a second database of the database structure [Fig 4, items 421 and 422].

Claims 9 and 20:

Hawkins discloses wherein a first task and a second task on the first approved control document are not independent [col 3, lines 10-15].

Claim 12:

Hawkins discloses

- a dynamically changing list of control documents [sync registry item 430 per Fig 4 and col 5, line 54 through col 6, line 3]
- a first agent [single button per abstract and sync process activated by a palmtop per col 3, lines 1-5] adapted to process a first approved control document on the list including to cause an execution of at least one task on the first approved control document [conduit library A item 421 per Fig 4 and col 5, lines 48-62],
- wherein an execution of a task on the first approved control document includes an updating of the database structure [synchronization per col 6, lines 6-15].

Claim Rejections - 35 USC § 103

Claims 2, 4, 11, 13, 15 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hawkins

Claims 2 and 13:

Hawkins discloses the elements of claim 1 as noted above.

Hawkins fails to disclose generating a view of the list; and accessing the view by the first agent prior to processing the first approved control document.

Sharpe discloses generating a view of the list; and accessing the view by the first agent prior to processing the first approved control document [col 5, lines 28-35].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hawkins to include generating a view of the list; and accessing the view by the first agent prior to processing the first approved control document as taught by Sharpe.

The ordinarily skilled artisan would have been motivated to modify Hawkins per the above for the purpose of monitoring a control document.

Claims 4 and 15:

Hawkins discloses the elements of claim 1 as noted above.

Furthermore, Hawkins discloses wherein executing a first task on the first approved control document includes directly calling a second agent by the first agent [col 3, lines 17-22].

Hawkins fails to disclose executing the first task by the second agent.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hawkins to include executing the first task by the second agent.

The ordinarily skilled artisan would have been motivated to modify Hawkins per the above for the purpose of performing the task in two stages so that each stage can be individually monitored.

Claims 11 and 22:

Hawkins discloses the elements of claim 1 as noted above.

Hawkins fails to disclose wherein executing a first task on the first approved control document includes replacing a name of a first person with a name of a second person in a plurality of databases of the database structure.

However, Hawkins discloses a address book containing names, phone numbers, and addresses of people [col 2, lines 24-26].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hawkins to include wherein executing a first task on the first approved control document includes replacing a name of a first person with a name of a second person in a plurality of databases of the database structure.

The ordinarily skilled artisan would have been motivated to modify Hawkins '000 per the above for the purpose of deleting the name of the first person from the database.

Claims 10 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hawkins in view of US Pat No 6,026,413 issued to Challenger et al (hereafter Challenger).

Claims 10 and 21:

Hawkins discloses the elements of claim 1 as noted above.

Hawkins fails to disclose wherein the first agent is a L-script operating within a LD software environment, and wherein the database structure includes LN-databases.

Challenger discloses wherein the first agent is a L-script operating within a LD-software environment, and wherein the database structure includes LN-databases [col 29, lines 20-30].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hawkins to include wherein the first agent is a L-script operating within a LD-software environment, and wherein the database structure includes LN-databases as taught by Challenger.

The ordinarily skilled artisan would have been motivated to modify Hawkins per the above for the purpose of causing a trigger to occur automatically [col 29, lines 20-30].

Response to Arguments

Applicant's arguments filed 1/14/2004 have been fully considered but they are not persuasive.

Applicant Argues:

Applicant states in the fourth paragraph on page 15 "In response to the preceding argument by the Examiner, applicants respectfully contend that the only list mentioned in col 5, line 54 – col 6, line 3 of Hawkins is a list of conduit libraries. However, a list of conduit libraries is not a list of control documents. A conduit library is computer code (see Hawkins, col 5 lines 41-43) and not a control document. A control document is defined on page 3, lines 10-11 of Applicant's specification which recites 'A control document is a document that comprises a list of tasks to be performed by an agent.' Since a conduit library (which is computer code) is not a list of tasks to be performed by an agent. Applicants maintain that the list of conduit libraries disclosed by Hawkins is not a list of control documents, as required by claims 1 and 12."

Examiner Responds:

Examiner is not persuaded. Examiner notes the following by Applicant on page 12:

In response to the issue of computer readable code. Applicants note that an agent is computer executable code by definition. See specification, page 3, lines 14-15 which recites: 'An agent is a computer executable program or software that functions as a background process within the operating system.' Applicants further contend that computer executable code is inherently computer readable, since a computer cannot execute code that it cannot read.

Contention No. 1: As explained above by Applicant, Applicant's agent is a computer executable program. Therefore, the disclosure of Hawkins of a conduit library which is

Art Unit: 2171

computer code proves that the conduit library disclosed by Hawkins is the same as Applicant's agent.

Contention No. 2: Applicant is in error. Examiner in supra Office Action references the disclosure by Hawkins of sync registry item 430 per Fig 4 as reading on the claimed "list of control documents." Hawkins discloses the following in column 5, lines 54-62:

FIG. 4 illustrates three handheld and PC applications A, B, and C. For each application A, B, and C, there is an associated conduit library A 421, conduit library B 422, and conduit library C 423. Conduit library D 425 is a conduit library without an associated database or application. It is the sync manager's responsibility to successively invoke each conduit library. **To keep track of all the conduit libraries that must be invoked, the sync manager accesses a sync registry 430. The sync registry 430 is a database that contains a list of all the conduit libraries that the sync manager must invoke to perform a full synchronization of the personal computer 150 and the handheld computer system 110.** In a preferred embodiment, the sync registry 430 is implemented as a registry in the Windows.RTM. operating system.

Examiner conclude that the claim 1 limitation "generating a dynamically changing list [sync registry 430] of control documents [conduit library] is fully disclosed by Hawkins as indicated above in square parentheses.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after

Art Unit: 2171

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Etienne LeRoux whose telephone number is (703) 305-0620. The examiner can normally be reached on Monday – Friday from 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic, can be reached on (703) 308-1436.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Patent related correspondence can be forwarded via the following FAX number (703) 872-9306

Etienne LeRoux

3/22/04



SAFET METJAHIC
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100